

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹
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ORDER REGARDING PROCEDURES FOR MARCH 15-16, 2023, OMNIBUS HEARING

The Court will conduct an omnibus hearing on certain motions in the above-captioned cases and related adversary proceedings (the “Hearing”) on **March 15, 2023, from 9:30 a.m. to 12:50 p.m. (Atlantic Standard Time)**, resume if necessary from **2:10 p.m. to 5:00 p.m. (Atlantic Standard Time)**, and continue if necessary on **March 16, 2023, at 9:30 a.m. (Atlantic Standard Time)**. The Court will conduct the Hearing virtually using

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

videoconferencing and telephonic platforms as set forth herein. The Hearing shall be governed by the following procedures.

Registration for Videoconference, and Listen-In Facilities for Attorneys, Members of the Public and Press

1. **Videoconferencing via Zoom.** The Court will conduct the Hearing using the audio and video features of the Zoom platform as a virtual courtroom. An invitation to register will be sent by the Court to Hearing participants who have registered their appearance by filing an Informative Motion in accordance with paragraph 3 below. Parties must respond to the invitation to register for Zoom access and will automatically receive the link and relevant login information to join the virtual proceeding. To optimize performance of the Zoom platform and in the interest of avoiding excessive billing of fees, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) shall each be limited to four attorneys appearing in the Zoom session at any given time, and each other Party (as defined in paragraph 3(a) below) will be limited to two attorneys appearing in the Zoom session at any given time. **Only persons who are identified in properly submitted Zoom registration documents, including a Party Appearance Sheet, will be permitted to appear at the Hearing.** Counsel who have already filed a pretrial informative motion, including a Party Appearance Sheet are **not** required to refile a new informative motion. Recording and retransmission of the proceedings by any means are prohibited. All proceedings will be conducted in the English language as required by law. 48 U.S.C. § 864. No interpretation services will be provided by the Court for the Hearing.

2. **Listen-Only Public Access to the Hearing.** Members of the public, press, and attorneys may **listen to but not participate in** the Hearing by dialing (888) 363-4749, and, when prompted, entering the access code (7214978) and security code (7533) for listen-only

access. This telephonic access line for the press and the general public will be in listen-only mode at all times. Recording and retransmission of the proceedings by any means are prohibited.

Party Informative Motion and Exhibit List Procedures

3. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 1, a Party must file an informative motion by **March 9, 2023, at 1:00 p.m. (Atlantic Standard Time)**. Each Informative Motion must be accompanied by a Party Appearance Cover Sheet. Counsel may select one method of appearance for each attorney appearing at the Hearing. Thereafter, counsel must file an Amended Party Appearance Cover Sheet to change the method of appearance.

a. Party Appearance Sheet. Counsel for any Party that wishes to participate at the Hearing must register an appearance by completing the Party Appearance Sheet (Exhibit A to this Order). Counsel must identify: (i) the Party for which they intend to appear; and (ii) the name(s), email address(es) for those attorney(s) who wish to participate in the Hearing.

b. Exhibit List Procedures and Exhibit Cover Sheet. Exhibit lists are due by **March 9, 2023, at 12:00 p.m. (Atlantic Standard Time)**. Each Party must follow the below instructions for filing the Exhibit List.

- i. Each Party is directed to file an Exhibit List using the CM/ECF event “Motion Submitting.”
- ii. Each Party must upload each exhibit as a separate attachment to the Exhibit List. Hyperlinks may not be used in lieu of uploading an exhibit.
- iii. The Exhibit List is intended to be a single filing (with multiple exhibits). If your Exhibit List and attachments exceed the upload capacity of CM/ECF,² you may divide your submission into multiple filings.

² The maximum capacity of the U.S. Bankruptcy Court for the District of Puerto Rico CM/ECF System is 20 MB for a single filing.

- A. **Large Exhibits.** If a single exhibit is too large to file, Parties shall divide the exhibit into separate attachments. In this scenario, the Party assigns each part of the exhibit **the same exhibit letter or number**, and types in the text field “Part 1 of [Total Number].” Parties **must** select the same exhibit letter or number to indicate to the Court that an uploaded exhibit is continued in the next attachment. For example, if “Party ABC” needs to divide Exhibit C into 3 attachments due to its size, “Party ABC” will upload and designate the exhibit as follows: Exhibit C: “Part 1 of 3,” the next attachment as Exhibit C “Part 2 of 3,” and the final attachment as Exhibit C “Part 3 of 3.” The next attachment will then proceed to Exhibit D.
 - B. **Multiple Filings.** If a group of exhibits reaches the 20MB capacity for a single CM/ECF filing, parties must continue to file their exhibits by starting a new filing. Parties will again select the “Motion Submitting” CM/ECF Activity when filing the next set of exhibits. The main document for a continued filing should be titled “Continued Exhibits of [Party Name]” and may include a list of the exhibits attached to that single filing.
- iv. **Requests to Seal Certain Exhibits.** A Party who has included an exhibit on their Exhibit List that is subject to a sealing application **must file a placeholder for the exhibit, clearly marked as such.** The placeholder document can simply state “Exhibit Name, Exhibit Brief Description, Party [Name] will file a Motion to Seal regarding Exhibit [Letter].” The Party must still select the exhibit letter corresponding to the exhibit and type in the text field “SEALED Exhibit [Letter].”
- A. When a Party files a motion to seal, the Party must select the CM/ECF designation “MOTION TO SEAL” or “URGENT MOTION TO SEAL.” This is the only CM/ECF Designation that allows the Clerk’s Office to unseal the document at a later date. Failure to select the appropriate designation will result in a deficient filing notification and/or termination of the motion.

The Exhibit Cover Sheet must include all docket entry numbers for each exhibit that was previously filed in connection with the Exhibit List. Thus, a Party is only able to complete the Exhibit Cover Sheet **after** the Party has filed their Exhibit List.

4. **Agenda.** In anticipation of the Hearing, the Debtors shall file an agenda outlining the matters to be addressed and the projected timetable for the Hearing by **March 13**,

2023, in accordance with the Sixteenth Amended Case Management Procedures and *Order Granting Motion for Entry of an Order Approving Procedures and Establishing Schedule for Approval of Qualifying Modification for the Puerto Rico Public Finance Corporation*. (See Docket Entry No. 20190-1 § III.M.) Debtors' counsel shall file a revised agenda on **March 14, 2023**, if circumstances have changed or if requested to do so by the Court. Debtors' counsel shall email a proposed agenda, including preliminary time allocations, to the Court by **March 10, 2023, at 12:00 p.m. (Atlantic Standard Time)**.

a. Omnibus Hearing Agenda. The agenda shall include: (a) the names of the individuals who intend to appear and speak on behalf of each relevant Party in connection with each motion or report; (b) the order in which the parties to the relevant motion shall present argument; and (c) time allocations for each Party.

b. Status Reports. The Oversight Board and AAFAF shall file written status reports by **5:00 p.m. (Atlantic Standard Time) on March 14, 2023**. The Oversight Board's report shall address: (a) the general status and activities of the Oversight Board, including measures taken in response to the COVID-19 pandemic; (b) the general status of relations among the Oversight Board and the Commonwealth and federal governments; (c) the general status of the ADR and ACR processes, including the anticipated number of matters to be directed into the ADR process and anticipated timetable for initiation of ADR procedures with respect to such matters; and (d) the anticipated timing and volume of objections to claims. AAFAF shall provide a general status report on its status and activities, including an overview of the Commonwealth's ongoing response to the COVID-19 pandemic. At the Omni Hearing, the Court will ask counsel to the Oversight Board and AAFAF to respond to questions and comments, if any, related to their respective status reports.

5. **Exhibits or Demonstratives.** To the extent that a Party intends to rely on exhibits and/or demonstratives at the Hearing, the party shall file a separate informative motion using the Exhibit Cover Sheet (the form of which is attached as Exhibit B to this Order) by 3:00 p.m. (Atlantic Standard Time) on **March 9, 2023**. The informative motion must include (i) the Exhibit Cover Sheet and (ii) each exhibit and/or demonstrative as a separate, text searchable attachment. The naming convention of each exhibit must adhere to the specifications indicated on the Exhibit Cover Sheet.

6. **Courtroom Procedures.** All persons granted remote access to the Hearing are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of this prohibition may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. The formalities of a courtroom must be observed. When appearing by Zoom, counsel must be situated in such a manner as to be able to view the video screen and be seen by the Court. Each Party is strongly encouraged to utilize a headset to optimize audio quality and reduce background noise. Each Party's camera must be turned on when addressing the Court or examining a Remote Witness. No Party is permitted to join the Zoom proceeding by phone. Those appearing by Zoom may be removed from the virtual courtroom if they do not comply with this Order. During the Hearing, individuals who are registered to participate via Zoom are directed to observe the following rules:

- a. The following naming conventions must be used by Zoom participants for admission to the Zoom virtual courtroom.³ For example:

³ Parties must change their Zoom name **before** entering the waiting room.

- i. Attorney participants: [Party Represented (abbreviations may be used)] / [Last Name of Attorney, First Name of Attorney] / [Law Firm/Government Office].
 - a. PARTY A / Doe, John / ABC Law Firm, or
 - b. XYZ Agency/ Doe, Jane / Office of the ABC Government
- ii. Remote Witnesses: Witness / [Last Name, First Name].
 - a. For example, Witness / Doe, John (PhD)
- b. Identify yourself if asked to do so.
- c. Identify yourself by name each time you speak.
- d. Mute yourself when you are not speaking to eliminate background noise.
- e. Turn off your video unless you are speaking or otherwise directly involved in the argument or examination, unless the Court directs otherwise.

SO ORDERED.

Dated: February 24, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge